

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

ALEXANDER MOSKOVITS,

Plaintiff,

v.

FEDERAL REPUBLIC OF BRAZIL, STATE
OF SANTA CATERINA, BRAZIL, CELESC
OF SANTA CATARINA, BRAZIL, STATE OF
MARANHAO, BRAZIL, STATE OF MATO
GROSSO, BRAZIL, RAIMUNDO
COLOMBO, JORGE SIEGA, and DOES 1
THROUGH 10,

Defendants.

ORDER

21-cv-4309 (ER)

RAMOS, D.J.

The Court dismissed this action on March 23, 2023, based on Plaintiff Alexander Moskovits's failure to serve the defendants pursuant to Federal Rule of Civil Procedure 4(m). Doc. 14. On appeal, the Second Circuit concluded that the Court abused its discretion by dismissing the lawsuit under Rule 4(m) without providing advance notice to Moskovits. Doc. 16 at 4. The Second Circuit vacated and remanded for this Court to provide Moskovits with an opportunity to demonstrate good cause for his failure to serve. *Id.* at 5. The court also explained that if Moskovits had attempted to serve the defendants in Brazil, he would qualify for Rule 4(m)'s exception to the ninety-day timeline, which would render the good cause analysis unnecessary. *Id.* at 5 n.2.

Accordingly, by March 20, 2024, Moskovits is directed either to show that he attempted to serve the defendants in Brazil or to show good cause for his failure to serve the defendants. If he does not do so, the action will be dismissed pursuant to Rule 4(m).

The Clerk of Court is respectfully directed to mail a copy of this order to Moskovits.

It is SO ORDERED.

Dated: February 20, 2024
New York, New York



Edgardo Ramos, U.S.D.J.